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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,348	07/24/2000	Do-hyoung Kim	Q60039	4464

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EXAMINER

DO, NHAT Q

ART UNIT PAPER NUMBER

2663

DATE MAILED: 10/23/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,348

Applicant(s)

KIM, DO-HYOUNG

Examiner

Nhat Do

ND

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,450 to James et al in view of admitted prior art.

Regarding to claim 1, James et al disclose in an IEEE 1394 bus system performing:

A talker (source device) detects if the bandwidth (resource) requirements change (Col. 10, lines 41-55);

The talker (source device) performs bandwidth adjustment (Col. 10, line 41-55);

James et al fail to disclose the talker (source device) monitors the data format in order to determine if the bandwidth should be changed. However, James et al disclose the bandwidth (resource) must be changed when the data format changes (Col. 2, lines 35-40). This suggestion would motivate a person of ordinary skill in the art to modify the talker so that it monitors the data format and when the data format changes, it performs bandwidth adjustment.

Therefore, it would have been obvious to a person of ordinary skill in the art by the time the invention was made to have the talker of James et al designed so that it monitors the data format in order to determine if the bandwidth should be changed.

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James et al disclose the talker broadcasts audio, video, or any other data format to different listeners (sink devices), and each listener has a controller to set up connection between the talker and listener (Col. 2, lines 26-33). However, James et al fail to disclose the listener (sink device) performs:

Allocating presently required bandwidth (resource) for communicating between the talker and the listener; detecting and releasing the bandwidth (final resource) when the communication is terminated.

However, the admitted prior art discloses in the IEEE 1394 standard system, the DTV (sink device) allocates presently required bandwidth (resource) for communication channel (Specification page 3, lines 15-20); and releasing the bandwidth (resource) when the communication is terminated (Specification page 4, lines 14-18).

It is inherent that there exists the step of retrieving (detecting) the bandwidth prior to releasing it.

Therefore, a skilled artisan in the art would have been motivated to apply these steps in James et al system in order to set up and disconnect a communication channel between the talker and listener. The motivation is to make the system complies with other systems that imply IEEE 1394 standard.

Consequently, it would have been obvious to a person of ordinary skill in the art by the time the invention was made to have the listener disclosed by James designed so that it allocates presently required bandwidth (resource) for communicating between the talker and the listener; and detects/releases the bandwidth (resource) when the communication between the talker and listener is terminated.

Regarding to claim 2, James et al disclose updating the oPCR at the talker regarding to the change of the bandwidth (Col. 10, lines 44, and 45). It is inherent that the detection of bandwidth change (final resource) is based on the updated data of the oPCR at the talker.

Regarding to claim 3, based on the admitted prior art, in IEEE 1394 system, connection management among devices is defined by IEC61883, it is inherent the oPCR disclosed by James et al is defined according to IEC61883 standard. For informing the listener the change of the required bandwidth, it is inherent that the payload of the oPCR has be updated.

Regarding to claim 4, further to the rejection of claim 1, James et al disclose informing the listener about the change of the bandwidth (Col. 8, lines 22-25).

James et al fail to disclose the listener controls the bandwidth adjustment. However, James et al disclose the talker and listener are in different bus segments and the listener has to request additional bandwidth from its portal (Fig. 9; col. 11, lines 4-6). James also disclose the controller of the listener is occasionally unable to acquire the bandwidth (Col. 11, lines 30-40). Therefore, in order to avoid the possibility that the bus segment where the listener locates by some reason cannot support the bandwidth adjustment function, a skilled artisan would have been motivated to modify James et al by making the listener perform the bandwidth adjustment instead of the talker.

Consequently, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to modify James et al so that the listener performs the bandwidth adjustment.

Regarding to claim 5, receiving a turn-off signal from the user is considered the step of determining if the communication channel has been terminated.

Allowable Subject Matter

3. Claims 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The U.S. Patent No. 6,128,316 to Takeda et al also discloses a system in figure 1 similar to Applicant's invention. Although Takeda et fail to disclose the system adds additional (and releases redundant) bandwidth as a result of monitoring of the data format, but a person of ordinary skill in the art would have been motivated to modify the system to do so in order to prevent distortion (and conserve bandwidth).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhat Do
Examiner
Art Unit 2663

ND

October 8, 2003.

A handwritten signature in black ink, appearing to read 'Melvin Marcelo', written in a cursive style.

MELVIN MARCELO
PRIMARY EXAMINER